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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,687	05/22/2004	Eduard Torrents Gavalda	8158ES	3686

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EXAMINER	
AMRANY, ADI	

ART UNIT	PAPER NUMBER
2836	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/709,687	TORRENTS GAVALDA ET AL.	
	Examiner	Art Unit	
	Adi Amrany	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 July 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicants' claim for priority is not accepted. This application was filed under 35 U.S.C. 111(a), which means that there is no priority claim currently present in the application.

A proper claim for priority must refer to the application number, and not to the publication number. A priority claim requires that the priority document be identified by the application number assigned to it by the agency that initially received the application.

PCT/ES02/00613 has a priority claim to Spanish application U200103163 (filed December 31, 2001). There is no mention, however, of this Spanish application in the present application.

In order to properly claim foreign priority to the Spanish application, applicants needed to have either filed a national stage application of PCT/ES02/00613 under 35 U.S.C. 371 or file a continuation application of U200103163.

To convert this application into a 371 application, applicants must file a petition with the PCT Legal Administration under 37 CFR 1.182.

To claim priority to the PCT application, applicants must file a Rule 78 petition with the Petitions Office.

Drawings

2. A new sheet of drawings (page 2) was received on July 4, 2006. These drawings are acceptable and have been entered into the application.

Claim Objections

3. Claims 10-12 are objected to because of the following informalities: the phrase "switch is *a or* joystick" appears to be an error. The claims will be interpreted as not including "or", because the applicants removed the limitation of a lever switch, and it appears that "or" should have been deleted as well.

Response to Arguments

4. Applicants' arguments filed July 4, 2006 have been fully considered but they are not persuasive. Claims 1-12 are rejected under the references provided in the non-final rejection (April 7, 2006), as discussed below.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (US 5,857,071).

With respect to claim 1, applicants contend that Chang does not teach or suggest a non-pressure sensitive switch. Claim 1, however, only recites the limitation of "activation switch" (lines 2-3). Chang discloses a pressure-sensitive switch (figure 6a, item 30; column 2, lines 48-57), and therefor, anticipates this limitation of claim 1. That Chang discloses additional components that are not claimed in the present application is not relevant. The limitations in claim 1 are fully anticipated by Chang.

With respect to claim 2, the claim contains the limitation of an "activation switch" that has "two operation modes" (figure 7a, 7b; column 5, lines 44 to column 6, line 55). Chang discloses a variable speed window operator (column 7, lines 29-39) that comprises at least two operating modes. The limitations of claim 2 are fully met by Chang.

Further, claims 1-2 do not contain any limitations regarding the use of a joystick control, as discussed in applicants' response (page 9, lines 20-22).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang.

With respect to claim 3, applicants' arguments are not persuasive, as they do not challenge the rejection of the limitation introduced in dependent claim 3. Applicants' remarks are directed to switch, which is discussed above in the rejection of claim 1.

7. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Boisvert (US 6,064,165).

With respect to claims 4-6, applicants' arguments are not persuasive. A rejection under 35 U.S.C. 103(a) allows for the combination of multiple references to reject limitations presented in a claim. See MPEP §706.02(j).

As discussed in the non-final rejection, Chang discloses the device according to claims 1-3, and Boisvert discloses power window control device comprises a stop anti-catch feature (figures 1a-b, items 10, 12; column 8, lines 22-34).

Chang and Boisvert are analogous because they are from the same field of endeavor, namely controllers for operating power windows. At the time of the invention by applicants, it would have been obvious to a person of ordinary skill to combine the

activation switch disclosed in Chang with the stop anti-catch device disclosed in Boisvert. The motivation for doing so would have been to stop the power window motor in the event of an obstruction blocking the path of the window.

With respect to claims 7-9, applicants' arguments are not persuasive. As discussed in the non-final rejection, Chang discloses the device according to claims 1-3, and Boisvert discloses a window-opening operating device that operates on sunroofs (figure 6, items 200-208; column 2, lines 29-37; column 22, lines 33-67).

Chang and Boisvert are analogous because they are from the same field of endeavor, namely controllers for operating power windows. A sunroof is a power window that operates in a horizontal direction. At the time of the invention by applicants, it would have been obvious to a person of ordinary skill to combine the activation switch disclosed in Chang with the sunroof operator disclosed in Boisvert. The motivation for doing so would have been to apply the same control system to multiple windows within the vehicle.

8. Claims 10-12 are rejected as being unpatentable over Chang in view of Losey, as discussed below.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (US 5,857,071).

With respect to claim 1, Chang discloses an advanced automobile window-opening operation device (figure 1; column 2, lines 41-45) consisting of:

an electromechanical set (figure 6a; column 2, lines 45-53) in cooperative combination comprising: an activation switch (item 30) and an electronic switching circuitry (figure 6a, items 26, 28; column 3, lines 5-10) suitable for operating an electrical motor (figure 2, item 66) mechanically associated to said automobile window-opening mechanism (figure 2, item 60),

said electronic switching circuitry including a switching board (figure 6a, items 30,32,34; column 2, lines 53-57);

communicating through a first multi-signal channel or bus to the electronic system of said automobile,

and connected through a second multi-signal channel or bus (figure 2, connections between switching circuitry 26,28 and driver 60) to a second activation and control board of said electric motor of the window-opening device,

all of said circuitry connected to ground through the chassis of said automobile (figure 3a, 3b, 4, 7a, and 7b, circuits share a common ground).

The communication of the electromagnetic set through a multi-signal channel or bus to the electronic system of the vehicle is inherent in Chang, since it is necessarily provided to connect the switching circuitry to the rest of the vehicle. The power window

switch in Chang does not have its own power source (figure 2), and therefor, must be connected to the electronic system of the vehicle. Further, it is inherent that the grounded circuit components in Chang are connected to the vehicle's ground, which is connected to the vehicle's chassis. Otherwise, the circuits ground would not be a ground, but simply another conductive wire.

With respect to claim 2, Chang discloses a device according to claim 1, and further discloses said activation switch has two operating modes (figures 7a, 7b; column 5 line 44 to column 6, line 55), a manual operation mode for low displacement speeds and an automatic operation mode for high speed displacement speeds of said window opening device.

The power window switch disclosed in Chang has multiple positions (forward and reverse) and contains four operating modes (00,01,10,11; column 6, lines 54-55), where each mode results in a different displacement speed.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang.

Chang discloses a device according to claim 1, but does not expressly disclose said window-opening operation device permits the operation of the window panels of

one door from the opposite door by means of said electronic switching circuitry through said multi-signal channel or bus, communicating with said electronic system of said vehicle.

At the time of the invention by applicants, it would have been obvious to a person of ordinary skill in the art to combine the power window switch disclosed in Chang with a control panel that permits the operation of a window (passenger side) from the opposite door (passenger side). Official notice is given that such a configuration is standard on modern cars with power windows.

The motivation for doing so would have been to provide the driver of the car with convenient access to control all the windows in the vehicle.

13. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Boisvert (US 6,064,165).

With respect to claim 4, Chang discloses a device according to claim 1, but does not expressly disclose a stop anti-catch feature controlled by said activation and control board of said electric motor.

It would have been obvious to a person of ordinary skill in the art to include a control board. Such a component is necessary in order to provide a support for mounting and connecting the components of the circuitry of the window control device.

Boisvert discloses power window control device that can detect an obstruction when the window is closing (figures 1a, 1b, items 10, 12; column 8, lines 22-34).

Chang and Boisvert are analogous because they are from the same field of endeavor, namely controllers for operating power windows.

At the time of the invention by applicant, it would have been obvious to a person of ordinary skill to combine the power window switch disclosed in Chang with the stop anti-catch device disclosed in Boisvert. The stop anti-catch device disclosed in Boisvert is applicable to sunroofs, as well as power windows (column 4, lines 27-39).

The motivation for doing so would have been to stop the power window motor in the event of an obstruction blocking the path of the window.

With respect to claims 5-6, Chang discloses a device according to claims 2-3, respectively, and Boisvert discloses a stop anti-catch feature controlled by means of the window opening device's electric motor operation and control board, as discussed above.

With respect to claims 7-9, Chang discloses the device according to claims 1-3, respectively, but does not expressly disclose including the operation of sunroofs in addition to said door windows of said automobile. Boisvert discloses a window-opening operating device that operates on sunroofs (figure 6, items 200-208; column 2, lines 29-37; column 22, lines 33-67) in addition to the door windows.

At the time of the invention by applicants it would have been obvious to combine the power window switch disclosed in Chang with the power sunroof operator disclosed in Boisvert. The motivation for doing so would have been to apply the same control system to multiple windows. The sunroof is simply a power window that operates in a horizontal direction.

14. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Losey (US 6,573,678). Chang discloses the device of claims 1-3,

respectively, but does not expressly disclose said activation switch is a joy stick suitable to rotate in manual mode and to move forward and backwards when in automatic mode.

Losey discloses an automobile window opening operation device (figure 1, item 24; column 3, line 53 to column 4, line 8) consisting of an activation switch (figure 1, item 34) that includes a joy stick (column 4, lines 9-22). It is inherent that joy sticks operating in a forward/backwards mode and a rotating mode. It would be obvious to one skilled in the art to apply these joy stick movement modes to one of the low-speed or high-speed window displacement modes.

Chang and Losey are analogous because they are from the same field of endeavor, namely controllers for operating power windows. At the time of the invention by applicants, it would have been obvious to a person of ordinary skill to combine the activation switch disclosed in Chang with the joy stick disclosed in Losey. The motivation for doing so would have been to provide a switch with more than one direction of movement to respectively control the more than one operational modes of the power window.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adi Amrany whose telephone number is (571) 272-0415. The examiner can normally be reached on weekdays, from 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

BURTON S. MULLINS
PRIMARY EXAMINER

Appl. No. 10/709,687
Amd. Dated July 4, 2006
Reply to Office action of 04/07/2006
New Sheet

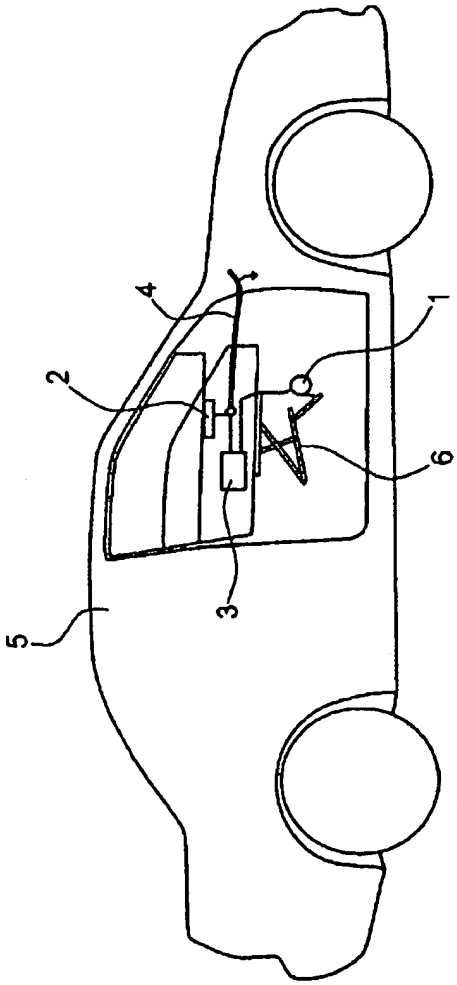

Fig. 2